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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ryuji ISHII

Group Art Unit: 2818

Application No.: 10/623,649

Examiner: M. Tran

Filed: July 22, 2003

Docket No.: 116645

For: METHOD AND APPARATUS FOR MANUFACTURING ORGANIC
ELECTROLUMINESCENT DEVICE, ELECTRONIC APPARATUS AND METHOD
OF REMOVING IONIC IMPURITIES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 10, 2004 Restriction Requirement, Applicant provisionally elects Group I, claims 6-12, with traverse.

The Patent Office fails to distinguish the process of making and the product made by the process as distinct inventions. The Examiner must demonstrate that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or that the product as claimed can be made by another and materially different process (see MPEP §806.05(f)). In this case, the Restriction Requirement is on its face unreasonable because the Examiner merely asserted that the "unpatentabilities of the Group I invention would not necessarily imply unpatentability of the Group II invention, since the device of the Group I invention could be made by the processes materially different from those of the Group II invention." However, that statement fails to explain what other products could be made by the claimed process, or what other processes

could be used to make the claimed product. As such, withdrawal of the Restriction Requirement is respectfully requested.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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JAO:JLC/aaw

Date: October 12, 2004

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